

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

BERNADETTE CUNNINGHAM AND  
ROSALIND JOHNSON, INDIVIDUALLY,  
AND AS ADMINISTRATRIX OF THE  
ESTATE OF NEKEYA MAGSBY,  
DECEASED

v.

No. 1-04-1144-T/AN

MICHELIN NORTH AMERICA, INC.,  
MICHELIN AMERICAS RESEARCH &  
DEVELOPMENT CORPORATION

PLAINTIFFS

DEFENDANTS

PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME

Comes now the Plaintiffs, Bernadette Cunningham and Rosalind Johnson Individually and as Administratrix of the Estate of Nekeya Magsby, deceased, and for Plaintiff's Motion for Enlargement of Time and states:

1. On December 9, 2005, Plaintiff's counsel received several motions in limine from the Defendant regarding expert testimony.
2. These motions in limine include complicated issues of science which are being challenged pursuant to *Daubert v. Merrill-Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).
3. Plaintiff's counsel has been out sick with a cold and the flu for the past week, and is only now able to turn his full attention to these motions.
4. Pursuant to local rules, Plaintiff's response would normally be due December 24<sup>2005</sup> or the first business day thereafter, since the 24<sup>th</sup> falls on a Saturday.
5. Plaintiff hereby requests an enlargement of time until December 30, 2005, in order to fully and completely respond to Defendant's motions in limine regarding the testimony of Plaintiff's expert David Osborne.

**MOTION GRANTED**

DATE: 23 December 2005

James D. Todd  
James D. Todd  
U.S. District Judge

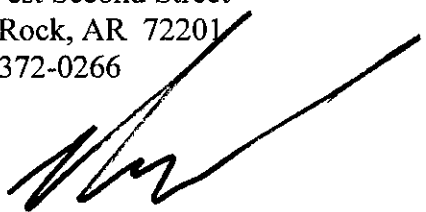
6. Defense counsel has been consulted and has no objection to this enlargement of time.

WHEREFORE, Plaintiffs, Bernadette Cunningham and Rosalind Johnson

Individually and as Administratrix of the Estate of Nekeya Magsby, deceased, requests that this Court grant Plaintiffs Motion for Enlargement of Time as well as grant any and all other relief to which they may be entitled including their costs and fees.

Respectfully submitted,

GARY EUBANKS & ASSOCIATES  
708 West Second Street  
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(501) 372-0266

By:   
Russell D. Marlin BIN#2000107

CERTIFICATE OF SERVICE

I, Russell Marlin, do hereby certify that the above and foregoing was mailed, with postage pre-paid via the United States Postal Service, on this 17<sup>th</sup> day of November, 2005, to:

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Honorable James Todd  
US DISTRICT COURT